

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Raymundo CONTRERAS-Hernandez,

Defendant

FILED
07 OCT 29 AM 10:20 '07 MJ 2541
CLERK of State Docket No.
SOUTHERN DISTRICT OF CALIFORNIA

By:

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **October 27, 2007** within the Southern District of California, defendant, **Jose Raymundo CONTRERAS-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

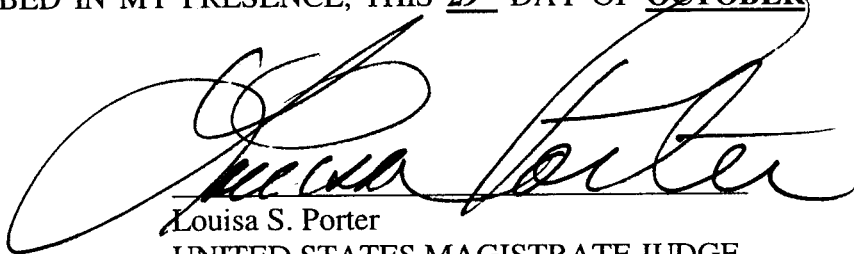
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF OCTOBER 2007.


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jose Raymundo CONTRERAS-Hernandez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On October 27, 2007, Supervisory Border Patrol Agent M. Noland was performing his assigned duties in the Campo Station area of operations. At approximately 3:00 a.m., Agent Noland responded to a seismic intrusion device in an area near Corte Madera Ranch. This area is located approximately nine miles east of the Tecate, California Port of Entry and about thirteen miles north of the United States/Mexico International Border. Upon arrival to this location, Agent Noland observed fresh footprints walking north on a known undocumented alien trail. Agent Noland followed the trail north when he observed ten individuals trying to conceal themselves under some thick brush. Agent Noland approached the individuals and identified himself as a U.S. Border Patrol Agent and began to question each subject, including one later identified as the defendant **Jose Raymundo CONTRERAS-Hernandez** as to their immigration status. All subjects stated that they were citizens and nationals of Mexico without any documents allowing them to enter or remain legally in the United States. All individuals were arrested and transported to the Campo Border Patrol Station for processing.

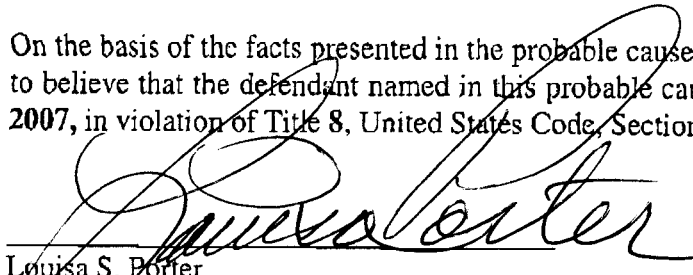
Routine record checks reveal that the defendant has a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 27, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on October 28, 2007 at 10:00 a.m.



Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **October 27, 2007**, in violation of Title 8, United States Code, Section 1326.



Louisa S. Porter
United States Magistrate Judge

10/28/07 2:30pm
Date/Time


PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On October 27, 2007, Supervisory Border Patrol Agent M. Noland was performing his assigned duties in the Campo Station area of operations. At approximately 3:00 a.m., Agent Noland responded to a seismic intrusion device in an area near Corte Madera Ranch. This area is located approximately nine miles east of the Tecate, California Port of Entry and about thirteen miles north of the United States/Mexico International Border. Upon arrival to this location, Agent Noland observed fresh footprints walking north on a known undocumented alien trail. Agent Noland followed the trail north when he observed ten individuals trying to conceal themselves under some thick brush. Agent Noland approached the individuals and identified himself as a U.S. Border Patrol Agent and began to question each subject, including one later identified as the defendant Jose Raymundo CONTRERAS-Hernandez as to their immigration status. All subjects stated that they were citizens and nationals of Mexico without any documents allowing them to enter or remain legally in the United States. All individuals were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks reveal that the defendant has a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 27, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on October 28, 2007 at 10:00 a.m.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on October 27, 2007, in violation of Title 8, United States Code, Section 1326.


Louisa S. Porter
United States Magistrate Judge

10/28/07 2:30 p.m.
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